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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Brodersen *et al.*

APPLICATION NO.: 10/079,499

FILED: 02/22/2002

FOR: **METHOD AND APPARATUS FOR  
UPGRADING A SOFTWARE APPLICATION  
IN THE PRESENCE OF USER  
MODIFICATIONS**

EXAMINER:

ART UNIT: 2122

CONF. No: 2737

**RECEIVED**

FEB 24 2003

Technology Center 2100

**Preliminary Amendment**

Commissioner for Patents  
Washington, D.C. 20231

02/20/2003 HLE333 00000052 10079499  
01 FC:1201 420.00 OP  
02 FC:1202 414.00 OP

Dear Commissioner:

Prior to examination on the merits, please amend the above-identified application as follows:

**In the Claims:**

Please cancel claims 1-27.

Please add new claims 28-77 as indicated below.

28. (New) A method of upgrading a software application by merging two modified versions of a common ancestor version, the method comprising:

receiving indications of a first modified version of the common ancestor version and of a distinct second modified version of the common ancestor version, the first modified version including multiple user customizations; and

without user intervention, automatically creating a new upgrade version of the software application by merging the first and second modified versions, by

identifying user customizations in the first modified version that are not present in the second modified version;